

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF QUEST COMMUNICATIONS	)	
CORPORATION FOR THE ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO.
NECESSITY TO OPERATE AS A RESELLER OF	)	91-424
TELECOMMUNICATIONS SERVICES WITHIN	)	
THE COMMONWEALTH OF KENTUCKY	)	

O R D E R

This matter arising upon petition of Quest Communications Corporation ("Quest Communications") filed November 8, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial information contained in Exhibit III to its application on the grounds that disclosure of the information is likely to cause Quest Communications competitive injury, and it appearing to this Commission as follows:

Quest Communications has applied for a Certificate of Public Convenience and Necessity to operate as a reseller of telecommunications services. In support of its application, Quest Communications has submitted, as Exhibit III, financial information which it seeks to protect from public disclosure as confidential. The information is not known outside of Quest Communications and its dissemination within Quest Communications is limited to those employees who have a legitimate business need to know and act upon the information.

Information filed with any public agency of the state, including this Commission, is subject to public inspection under KRS 61.872 unless specifically exempted by statute. Exemptions from disclosure are contained in KRS 61.878, which lists 10 different categories of information to which public access may be denied. One category of information exempt under KRS 61.878(1)(b) is commercial information confidentially disclosed to the agency. To qualify for this exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected consists of Quest Communications' balance sheet as of January 31, 1991, its income statement for the year ending January 31, 1991, its cash expenditures for the year ending January 31, 1991, and a breakdown of its operating expenses for the year ending January 31, 1991. Quest Communications contends that disclosure of this information would provide its competitors with Quest Communications' costs, its revenues and profit margins in specific areas of its operations, its plans for competing in the future, and its marketing tactics, equipment and improvements. The information, however, is presented in summary form and does not contain sufficient detail that would allow Quest Communications'

competitors to make any meaningful analysis of its operations. Therefore, no competitive harm has been established and the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

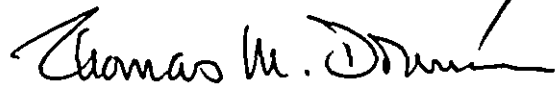
1. The petition for confidential protection of Exhibit III to Quest Communications' application be and is hereby denied.

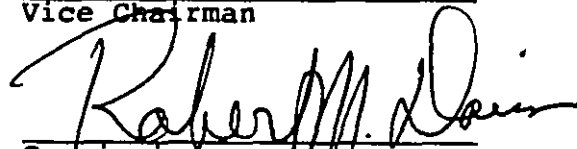
2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of 20 days from the date of this Order, at the expiration of which time, it shall be placed in the public record.

Done at Frankfort, Kentucky, this 9th day of January, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director